REMARKS

Claims 16-31 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

I.   Rejection under 35 U.S.C. § 103

In the Office Action, claims 16-31 were rejected under 35 USC § 102(e) as being unpatentable over Witzel (U.S. Patent Application Pub. No. 20007/0171841) in view of Bachmann (U.S. Patent No. 7,577,152).

This rejection is respectfully traversed.

The Examiner, at pages 3 and 5 of the Office Action, acknowledges that Witzel does not disclose the features of the claimed radio network controller (RNC) and establishing a transcoder-free operation connection at the level of the RNC

Thus, Witzel does not discuss or suggest:

> **checking in a radio network controller**, upon receipt of a request from a switching unit relating to use of at least one subset of at least one codec mode configuration for establishment of a transcoder-free operation connection, whether the at least one requested subset is supported by the radio network controller;

> if the at least one subset of the at least one codec mode configuration is supported by the radio network controller, establishing a transcoder-free operation connection to the switching unit and a communication terminal and restricting a codec mode configuration to be used for transmission of data to the subset; and

> signaling, **from the radio network controller** to the communication terminal, at least one message relating to the subset of the at least one codec mode configuration to be used for transmission of data

as recited in claim 16.

However, the Examiner attempts to make up for this deficiency in Witzel with Bachmann. It is respectfully submitted that Bachmann fails to make up for the deficiencies in Witzel acknowledged by the Examiner. Bachmann, as relied on by the Examiner at col. 1, lines 35-58, merely discloses a conventional RNC and does not specifically disclose the features of the RNC recited in claim 16, for example. More specifically, Bachmann merely discloses an RNC that

negotiates a set of AMR modes with a switching center before a UMTS speech connection is set up.

In general, not all network terminals in a network will always support the same codec mode and, more importantly, the same codec mode configurations (a codec mode configuration being a set of codec modes based on which the two terminals can communicate). Therefore, the two or more terminals involved must agree on a codec mode configuration. This agreed on codec mode configuration provides a set of codecs on which the two or more terminals can potentially communicate. During a communication session, the two or more terminals will then effectively agree on a codec mode for communication. Depending on outside circumstances (for example, too much bandwidth being consumed on an air interface), the two or more terminals might change the codec mode for communication. However, this change can only occur within the set of codec modes that were previously agreed upon (the agreed upon codec mode configuration). Thus, when a common codec mode configuration is available to all of the two or more terminals, transcoder-free operation (TrFO) or tandem free operation (TFO) is possible. Of course, if the two or more terminals do not have a common codec mode configuration that is supported by each of them, each of the terminals will choose a different codec mode configuration, making TrFO or TFO impossible.

Claim 16 provides for reducing the need for transcoding in a communication session between at least two terminals (for example, an originating terminal and a terminating terminal). To this end, claim 16 provides for establishing a transcoder-free operation connection between terminals <u>at the radio network controller</u> and <u>not at each terminal or network node itself</u>. Moreover, the radio network controller determines and establishes a transcoder-free operation connection <u>based upon receipt of a request from a switching unit</u> relating to use of at least one subset of at least one codec mode configuration. At least these features of claim 1 are not taught by <u>Witzel</u>.

As a non-limiting example, claim 16 provides a method as described in paragraph [0011] of the specification. The method provides for receiving, <u>by a radio network controller (RNC)</u>, a request, from a switching unit, relating to the use of a subset (for example, a/b) of a codec mode configuration (for example, a/b/c). Next, the method provides for checking, <u>by the radio network controller (RNC)</u>, whether the requested codecs a/b form a subset of a supported configuration (for example, a/b/c) and, if the subset is supported by the RNC, <u>establishing a transcoder-free operation connection to the switching unit and a communication terminal</u>. The RNC then signals to the switching unit that it is alright to go ahead with codecs a/b. However, to the terminal, via

the air interface, the RNC can only signal a certain configuration a/b/c. This leads to a mismatch because the terminal is now allowed to use codec c, but the switching unit does not support codec c. Therefore, the method of claim 16 performs an additional step of <u>restricting the codec mode configuration to the subset</u> by signaling from the RNC to the terminal.

In contrast to claim 16, the RNC of Bachmann does not perform the above-discussed features.

Since Witzel and Bachmann, alone or in combination, do not discuss or suggest all of the features of claim 16, claim 16 patentably distinguishes over Witzel and Bachmann. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 17-24 and 31 depend either directly or indirectly from claim 16, and include all the features of claim 16, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 17-24 and 31 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

Witzel and Bachmann, alone or in combination, do not discuss or suggest:

> at least one processing unit checking a request sent from the switching unit relating to use of a subset of a codec mode configuration for establishment of a transcoder-free operation connection to determine whether the requested subset is supported by the radio network controller, establishing a transcoder-free operation connection to the switching unit if the subset of the codec mode configuration is supported by said radio network controller, restricting a codec mode configuration to be used for transmission of data to the subset, and signaling a message relating to the subset of the codec mode configuration to be used for the transmission of data via said send unit to a communication terminal included among the mobile network units,

as recited in claim 25, so that claim 25 patentably distinguishes over Witzel and Bachmann. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 26-30 depend either directly or indirectly from claim 25, and include all the features of claim 25, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 26-30 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.
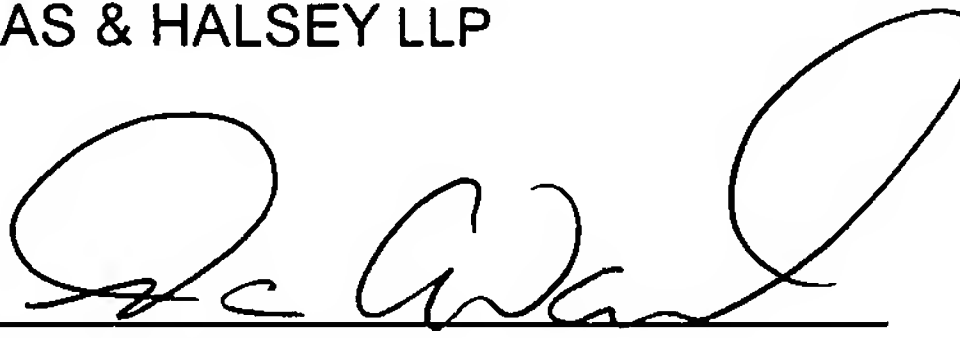
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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